

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Verilux, Inc.,

Civil No. \_\_\_\_\_

Plaintiff,

v.

**COMPLAINT**

2Go Products, LLC.,

JURY TRIAL REQUESTED

Defendant.

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For its Complaint, plaintiff Verilux, Inc. (“Verilux ”) states and alleges as follows:

**THE PARTIES**

1. Verilux is a corporation organized and existing under the laws of Connecticut, having its principal place of business at 340 Mad River Park, Suite 1, Waitsfield, Vermont 05673 and offices located at 1259 Willow Creek Blvd., St. Paul, Minnesota 55110..

2. Upon information and belief, defendant 2Go Products, LLC (“2Go Products”) is a limited liability company organized and existing under the laws of California, having its principal place of business at 7770 Regents Rd., Suite 113-632, San Diego, CA 92122.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1, *et. seq.*, and specifically 35 U.S.C. § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Jurisdiction and venue are proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because defendant has committed acts of infringement in this judicial district, a substantial part of events or omissions giving rise to the claims occurred in this judicial district, and because defendant is a company over which the Court has personal jurisdiction.

### GENERAL ALLEGATIONS

5. On May 22, 2001, the United States Patent and Trademark Office duly and legally issued Patent No. 6,236,622, entitled “Lamp and alarm clock with gradually increasing light or sounds” (the “‘622 Patent”), to Verilux as assignee of the inventor Stephen E. Blackman. Verilux is the owner of the entire right, title and interest in and to the ‘622 Patent. A copy of the ‘622 Patent is attached hereto as **Exhibit A**.

6. Defendant has made, used, advertised, offered for sale, and sold within the United States and has advertised, offered for sale and sold within this District products that infringe the ‘622 Patent.

7. Defendant has engaged in acts of patent infringement and has damaged Verilux within this judicial district.

### COUNT I PATENT INFRINGEMENT

8. Verilux realleges paragraphs 1 through 7 hereinabove.

9. Defendant has made, used, advertised, offered for sale and sold within the United States and has advertised, offered for sale and sold within this district products that infringe the ‘622 Patent, including but not limited to products sold under the names “Good Morning Sunrise Alarm Clock with Nature Sounds (with Halogen Light Bulb) – Model GM-01” and “Good Morning Sunrise Alarm Clock with Nature Sounds (with Halogen Light Bulb, Touch Panel and LED Display) – Model GM-02”. Defendant acted without right or license under the ‘622 Patent. The product manuals for the two Good Morning alarm clocks are attached hereto as **Exhibit B** and **Exhibit C**.

10. Verilux marked its products with U.S. Patent No. 6,236,622 pursuant to 35 U.S.C. § 287.

11. Upon information and belief, defendant has and continues to have actual knowledge of the '622 Patent, and their infringement of this patent has been and continues to be willful and deliberate.

12. Upon information and belief, defendant will continue to directly infringe, contributorily infringe, and/or induce infringement of the '622 Patent unless enjoined by the Court.

13. Verilux has been damaged and irreparably harmed by defendant's willful and deliberate infringement of the '622 Patent and will continue to be damaged and irreparably harmed into the future unless defendant is preliminarily and permanently enjoined from infringing the '622 Patent.

**WHEREFORE**, plaintiff Verilux, Inc. prays for the following relief:

1. A judgment that defendant has infringed Verilux's U.S. Patent No. 6,236,622;
2. A preliminary and permanent injunction prohibiting defendant, its subsidiaries, affiliates, parents, successors, assigns, officers, agents, servants, employees, attorneys, and all persons acting in concert or in participation with them, or any of them, from infringing United States Patent No. 6,236,622 through further manufacture, use, offers for sale, sale or importation into the United States of infringing products, including specifically but not limited to the "Good Morning Sunrise Alarm Clock with Nature Sounds (with Halogen Light Bulb) – Model GM-01" and the "Good Morning Sunrise Alarm Clock with Nature Sounds (with Halogen Light Bulb, Touch Panel and LED Display) – Model GM-02";

3. An order that defendant be required to account for all gains, profits, advantages, and unjust enrichment derived from their violations of law;

4. An order requiring defendant to pay Verilux any and all monetary damages, but not less than a reasonable royalty, to which Verilux is entitled and treble damages for willful infringement under 35 U.S.C. § 284, plus interest on all amounts;

5. An order requiring defendant to pay Verilux all costs, disbursements, and attorneys' fees incurred by Verilux in this action under 35 U.S.C. § 285, with interest; and

6. Such other relief as this Court may deem proper and just.

### **JURY DEMAND**

Verilux demands that the above entitled matter and all issues so triable be tried before and decided by a jury.

Dated: March 8, 2011

**Niles Law Office, P.A.**

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